IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:		)	
	ZHANG ET AL.	)	
		)	Examiner D. Herrera
Appl. No.	10/814,831	)	
		)	Art Unit 3617
Confirm. No.	6501	)	
		)	Atty. Docket CS23995RL
Filed:	31 March 2004	)	

Title: "Enhanced Voice Pre-Emption of
             Active Packet Data Services"

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Request & Claims Pending

The application stands subject to a final Office Action mailed on 28 June 2010. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed concurrently. The claims have not been amended since the mailing of the final Office action. Claims 1-13 and 15-18 are pending.

Arguments re: Kuusinen & Misra

Rejection Summary

Claims 1-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over EP 1161036 (Kuusinen) in view of U.S. Publication No. 2004/0022209 (Misra).

Discussion of Claim 1

Regarding Claim 1, Kuusinen and Misra fail to suggest a

> ... method in a wireless communications device, the method comprising:
>   pre-empting an active packet session with an event;
>   suspending operation of a dormancy timer initiated upon pre-emption of the active packet session;
>   re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

Kuusinen describes a wireless terminal that operates in either packet mode or circuit mode, but not both modes simultaneously. When the terminal of Kuusinen suspends packet mode operation (to permit circuit mode operation), the terminal requests that the network server abort packet transmissions to the terminal. At paragraph [0041], Kuusinen indicates that the terminal may disable its re-transmission timer when suspending packet operation and then re-enable the re-transmission timer when the terminal enables packet mode operation. The re-transmission timer in Kuusinen is different than the "dormancy timer" in Claim 1. At paragraphs [0012-16], Kussinen describes the re-transmission timer as a timer that is set when the terminal (or server) transmits a packet. According to Kuusinen, if the re-transmission timer expires before an ACK is received (in response

transmission of the packet), the packet is re-transmitted. In Kuusinen, when packet mode is suspended, the re-transmission timer is not required, since the terminal is not transmitting (and thus has no need to re-transmit) packets. In the present application, the dormancy timer is set when the terminal terminates or suspends packet operation (enters the dormant state) as described in paragraphs [0002 & 0004] of Applicants' specification. In the present invention, the wireless device establishes a packet session after the dormancy timer expires, wherein the dormancy timer period permits the scheduler to properly release system resources allocated to the wireless device as described in paragraph [0002] of Applicants' specification. In Claim 1, the dormancy timer is suspended for an event that preempts a packet session. The re-transmission timer of Kuusinen is not the same as a dormancy timer. Thus Kuusinen does not disclose a "dormancy timer" and cannot meet the limitations of Claim 1. The Examiner's reliance on Misra for teaching the prioritization of a voice call over a packet session does not remedy the deficiencies of Kussinen. Claim 1 is thus patentably distinguished over the art.

Discussion of Claim 7

Regarding Claim 7, Kuusinen and Misra fail to suggest a

> ... method in a wireless communications device, the method comprising:
> pre-empting an active packet session with an event;
> suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session;
> initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The re-transmission timer in Kuusinen is different than the "dormancy timer" Claim 7. At paragraphs [0012-16], Kussinen describes the re-transmission timer as a timer that is set when the terminal (or server) transmits a packet. In Kuusinen, if the re-transmission timer expires before an ACK is received (in response to transmitting a packet), the packet is re-transmitted. In the present invention, the dormancy timer is set when the terminal suspends packet operation (enters the dormant state) as described in paragraphs [0002 & 0004] of Applicants specification. In Claim 7, the dormancy timer is suspended for an event that preempts a packet session. Thus Kuusinen does not disclose a "dormancy timer" and cannot meet the limitations of Claim 7. The Examiner's reliance on Misra for teaching the prioritization of a voice all over a packet session does not remedy the deficiencies of Kussinen. Claim 7 is thus patentably distinguished over the art.

Discussion of Claim 13

Regarding Claim 13, Kuusinen and Misra fail to suggest a

> ... method in a wireless communications device, the method comprising:
> receiving a network control message;
> suspending an active packet session of the wireless communication device in response to receiving the network control message;
> suspending a dormancy timer after receiving the network control message.

The re-transmission timer in Kuusinen is different than the "dormancy timer" in Claim 13. At paragraphs [0012-16], Kussinen describes

the re-transmission timer as a timer that is set when the terminal (or server) transmits a packet. In Kuusinen, if the re-transmission timer expires before an ACK is received (in response to transmitting a packet), the packet is re-transmitted. In the present invention, the dormancy timer is set when the terminal suspends packet operation (enters the dormant state) as described in paragraph [0004] of Applicants specification. In Claim 13, the dormancy timer is suspended for an event that preempts a packet session. Thus Kuusinen does not disclose a "dormancy timer" and cannot meet the limitations of Claim 13. The Examiner's reliance on Misra for teaching the prioritization of a voice all over a packet session does not remedy the deficiencies of Kussinen. Claim 13 is thus patentably distinguished over the art.

Prayer For Relief

In view the discussion above, the present application is in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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